

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

In re WIRECARD AG SECURITIES  
LITIGATION

\_\_\_\_\_  
This Document Relates To:

ALL ACTIONS.  
\_\_\_\_\_

) Civ. Action No. 2:20-cv-03326-AB

)  
) CLASS ACTION

)  
) STIPULATION AND [PROPOSED] ORDER  
) REGARDING JOINT PROSECUTION OF  
) THE CONSOLIDATED ACTIONS AND  
) FILING OF THE CONSOLIDATED  
) COMPLAINT

In connection with the Court's October 13, 2020 Order appointing Thanh Sam Lead Plaintiff and Robbins Geller Rudman & Dowd LLP ("Robbins Geller") as Lead Counsel (ECF No. 31) ("Order"), and the transfer and consolidation of a related action from the United States District Court for the Central District of California, *DalPoggetto v. Wirecard AG*, No. 2:20-cv-05017-AB (E.D. Pa.) (the "*DalPoggetto* Action") (ECF No. 36), Lead Counsel hereby submits the following Stipulation and [Proposed] Order Regarding Joint Prosecution of the Consolidated Actions and Filing of the Consolidated Complaint.

WHEREAS, on July 7, 2020, this action, *Brown v. Wirecard AG et al.*, No. 2:20-cv-03326-AB, was filed on behalf of all persons or entities who purchased or otherwise acquired Wirecard securities between August 17, 2015 and June 24, 2020, inclusive (the "Class Period"), alleging violations of §§10(b) and 20(a) of the Securities Exchange Act of 1934 against Defendants<sup>1</sup>. ECF No. 1;

WHEREAS, on October 13, 2020, pursuant to the lead plaintiff and lead counsel appointment process provided in the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. §78u-4, this Court appointed Thanh Sam as Lead Plaintiff and Robbins Geller as Lead Counsel. *See Order*;

WHEREAS, pursuant the Order, "[a]ll securities class actions on behalf of purchasers of Wirecard AG securities arising out of the same or substantially similar subject matter subsequently filed in, or transferred to, this District shall be consolidated into this action." Order, ¶3;

WHEREAS, on February 8, 2019, the *DalPoggetto* Action was filed in the United States District Court for the Central District of California alleging substantially the same facts, claims,

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<sup>1</sup> "Defendants" are Wirecard AG ("Wirecard"), Markus Braun, Jan Marsalek, Burkhard Ley, Alexander von Knoop, Susanne Steidl, Wulf Matthias and Ernst & Young GmbH Wirtschaftsprüfungsgesellschaft.

and causes of action on behalf of the same putative class of Wirecard purchasers and acquirers against the same Defendants. *DalPoggetto v. Wirecard AG et al.*, No. 2:19-cv-00986-FMO-SK, Class Action Complaint for Violation of the Federal Securities Laws (C.D. Cal Feb. 8, 2019);

WHEREAS, on May 6, 2019, pursuant to the lead plaintiff and lead counsel appointment process provided in the PSLRA, the United States District Court for the Central District of California appointed Lawrence Gallagher as lead plaintiff and Hagens Berman Sobol Shapiro LLP (“Hagens Berman”) as lead counsel in the *DalPoggetto* Action. *DalPoggetto v. Wirecard AG et al.*, No. 2:19-cv-00986-FMO-SK, Order Granting the Motion [16] of Lawrence Gallagher for Appointment as Lead Plaintiff, and Approval of His Selection of Lead Counsel (C.D. Cal. May 6, 2019);

WHEREAS, on October 9, 2020, the *DalPoggetto* Action was transferred to this District. *DalPoggetto v. Wirecard AG et al.*, No. 2:19-cv-00986-FMO-SK, Order Granting Lead Plaintiff’s Motion [85] to Transfer Venue Pursuant to 28 U.S.C. § 1404 and Granting Limited Request to Lift Stay (C.D. Cal. Oct. 8, 2020);

WHEREAS, on October 17, 2020, the Court consolidated the related *DalPoggetto* Action with the above-captioned case. ECF No. 36;

WHEREAS, Lead Counsel Robbins Geller and Hagens Berman have met and conferred and agreed in light of the substantial similarity of the claims, facts and Class Periods alleged in each of the actions against the same defendants, and their consolidation, it is in the best interest of the putative Class for the actions to be jointly prosecuted by Robbins Geller and Hagens Berman as Lead Counsel with Thanh Sam and Lawrence Gallagher as Lead Plaintiff;

WHEREAS, Lead Counsel Robbins Geller and Hagens Berman have met and conferred and agreed to file a consolidated class action complaint on or before December 22, 2020;

WHEREAS, counsel for Defendants have not yet made an appearance in *Brown v. Wirecard AG*; and

WHEREAS, upon the appearance of counsel for Defendants in *Brown v. Wirecard AG*, Lead Counsel Robbins Geller and Hagens Berman will meet and confer with counsel for Defendants on an appropriate schedule for the filing of a motion to dismiss or answer to the consolidated complaint.

NOW THEREFORE, subject to approval of the Court, it is hereby stipulated and agreed that:

1. The law firms Robbins Geller and Hagens Berman shall jointly prosecute the consolidated action as Lead Counsel on behalf of the putative Class and Thanh Sam and Lawrence Gallagher shall serve as Lead Plaintiffs.

2. Lead Plaintiffs shall file a consolidated class action complaint on or before December 22, 2020.

3. Upon the appearance of counsel for Defendants, Lead Counsel shall meet and confer with counsel for Defendants on an appropriate schedule for the filing of a motion to dismiss or answer to the consolidated complaint.

\* \* \*

### **ORDER**

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE ANITA B. BRODY  
UNITED STATES DISTRICT JUDGE

Submitted by:

DATED: October 26, 2020

SAXTON & STUMP  
LAWRENCE F. STENGEL (P.A. Bar # 32809)

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s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL

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Lead Counsel for Lead Plaintiff

DATED: October 26, 2020

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Additional Counsel for Lead Plaintiff Thanh  
Sam

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 26, 2020, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Lawrence F. Stengel

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# Mailing Information for a Case 2:20-cv-03326-AB BROWN v. WIRECARD AG et al

## Electronic Mail Notice List

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## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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